Off to a Slow Start

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Each Justice and State Worker Faces Full Probe

By ANTHONY LEWIS

Every full-time employe of the Justice and State departments—from the $1810-a-year maintenance worker on up—faces a full field investigation by the FBI and other probers under the new security program for Federal workers.

But at other civilian departments the chances that an employe will have to undergo a full-scale security investigation are as low as 1 in 10.

That is the sharpest contrast in the still developing picture of the Eisenhower Administration's security set-up, under which each Federal department and agency makes its own standards and operates its own security clearance system.

The executive order which junked the old Truman loyalty-security standards and established the new set-up was issued last April. The Justice Department at the same time issued sample regulations to guide each agency in drafting its security rules.

ALL BUT ONE

Since then department lawyers, security officers and assorted high officials have been trying to shape the Justice sample to each agency's particular needs. All the Cabinet departments but one — Interior — have now published security regulations.

In most cases the department rules closely follow the Justice sample on security standards, procedures for evaluation of each case and employe rights of appeal. The big difference among the departments is in the extent of investigating.

Justice and State have several reasons for requiring full field investigations of all employes.

Both departments handle a large amount of security material, often dealing with communist problems. While some employes—janitors, for example—would not ordinarily handle such material, security officers think it's safer to be sure about everyone.

COMMON SENSE

Then again State and Justice have born the brunt of Congressional attacks during the last few years on disloyalty and dishonesty charges.

Security officers at other agencies told The News they would prefer requiring full investigations for all their employes, but expense and common sense ruled that out.

Some Cabinet departments other than State and Justice have ordered full field investigations for employes who have access to information rated Confidential, Secret or Top Secret in the classification scale.

Others, narrowing it even more, require the full inquiries only for those with access to Secret or Top Secret material—less than 10 per cent of department personnel.

In all agencies employes who have had full field investigations in the past must be re-evaluated under the new standards and possibly re-investigated.

In any case, the Eisenhower executive order requires that every agency make at least a routine check of schools, churches and previous employers before hiring anyone.

SLOW START

Because of the widely distributed authority on security matters, it is difficult to get any overall picture of how the Eisenhower program is operating—except the elaborte procedure for setting standards and appeals has been slow starting.

The Civil Service Commission has the job, under the executive order, of looking into all the agencies' security programs and reporting to the National Security Council on their effectiveness and fairness.

CSC hasn't completed a first study and indications are it will not make its findings public when it does. There is even any central source of sta-

To guide Federal agencies in drafting their own security rules, the Justice Department last spring published a set of sample departmental regulations.

The sample provided that every U. S. citizen permanently employed in the agency be given a copy of any charges against him, be permitted to answer and be given a hearing before a three-man board drawn from a central Civil Service Commission panel. At the hearing the accused employe was to have legal rights, including the privilege of calling witnesses.

Justice further set out these seven kinds of acts which should be counted against employes in security checks:

(1) Lying, criminal acts, alcoholism, drug addiction, sexual perversion, insanity or susceptibility to coercion.

(2) Sabotage or espionage.

(3) Friendly association with a spy or traitor.

(4) Advocating overthrow of the Government by force.

(5) Membership or association in a subversive group.

(6) Violation of security regulations.

(7) Acting in the interests of a foreign country instead of the U. S.

tistics on the number of Federal employes dismissed or cleared—figures which the Loyalty Review Board put out in Truman days.

But these are the broad differences in the actual security regulations published so far:

Defense

Its regulations are the only ones to change the criteria set out in the Justice Department sample. To the basic seven, Defense adds these 10:

- Participation in a front outfit when the accused employe knew it was subversive or was being infiltrated by subversives, or when the accused employe "should reasonably have the knowledge." (Ignorance is no excuse.)
- "Sympathetic interest in totalitarian, fascist, communist" or similar movements.
- Current association with a person who would be barred from Defense employment under these rules, or past association "if the circumstances indicate that renewal of the association is probable."
- "Acts of a reckless . . . nature which indicate . . . the individual might . . . assist . . . deliberately or inadvertently in activities inimical to the security of the United States."
- Presence of a relative in an unfriendly country where he might be used to bring pressure on the employe.

A Defense Department spokesman said these criteria were added because "the more specific the standards, the easier it is for security officers to do their job."

FLEXIBLE

But the Defense regulations themselves insist on some flexibility. They say the various misdeeds listed are "of varying degrees of seriousness," so security men must use "over-all common sense."

The new regulations also specifically reassure civilian employes at Defense that "national security" will not be used as an excuse for firing people without "normal Civil Service procedures."

Defense requires full field investigations down to the "Confidential" level. This results in a majority of full-time workers here.

Defense will not draw on the central Civil Service panel for appeal hearing boards. Instead it will use its own men—but with the rule that an employe of one service must be heard by men from another, for example an accused Army worker by a Navy man.

State

In addition to demanding full inquires of every employe, State's rules add this somewhat stern warning:

"A former course of conduct or holding of beliefs shall be presumed to continue in the absence of clear and convincing evidence to the contrary."

Justice

The regulations exempt the FBI, which will continue its own security system. They let the Deputy Attorney General decide which employes must have full investigations, but a spokesman said in practice all would.

Justice's rules show some minor changes from its own sample drafted last spring, including this paragraph:

"If during the course of a hearing . . . an employe, or his counsel, or any of his witnesses, is guilty of misbehavior or contemptuous conduct . . . , the (hearing) board is authorized to exclude said employe . . ."

Treasury

Full investigations down to "Secret" level only. Provisions follow the Justice sample closely, but add this paragraph:

"Any clearance granted . . . will be rescinded should information subsequently be received which indicates that the retention of the employe is no longer clearly consistent with the interests of the national security."

Post Office, Commerce, Labor

Full investigations thru "Confidential" level. No significant changes from Justice sample.

Health-Education-Welfare

Follows Justice sample closely, full field inquiries to "Secret" level only.

Agriculture

Full investigations only to "Secret" level. Agriculture, with its vast network of part-time agents, also exempts from all investigations temporary workers, foreigners employed in their own countries, unpaid agents and persons working on the hoof-and-mouth disease control program in Mexico.

Atomic Energy Commission

The AEC has always had its own security set-up, dictated by law, and it is staying aloof from the new program except possibly for some "minor changes" in wording of rules.

Central Intelligence Agency

The other super-secret post-war outfit took the opposite tack and drafted new rules which follow the Justice sample closely, with these two major exceptions:

- CIA will have to clear by its own security system any hearing board member drawn from the Civil Service panel to hear a CIA case.
- CIA Director Allen Dulles and his deputy reserve the right to fire an employe summarily if they think he would endanger national security. A spokesman gave assurance this loophole would be used (rarely), if at all.

Third Time Around for Some

Old Loyalty Cases Screened By New Security Standards

(Second of Two Articles)

By Murrey Marder
Post Reporter

Thousands of Federal employe loyalty cases marked closed and cleared over a period of several years are now being rescreened in dozens of Government agencies.

They must be measured against the new, tougher "security" standard under the Eisenhower Administration's program, aimed at retaining only those workers whose employment is judged to be "clearly consistent with the interests of the national security."

For some employes, it is the third time around, with an increasingly stiffer standard each time.

The standard set in the 1947 loyalty program was tightened in 1951 to resolve "reasonable doubt" of loyalty in favor of the Government. The present standard, set last April, has been described by one writer as requiring evidence "beyond a shadow of a doubt" that the employe is not a security risk.

Fortunately for the workload involved—and Federal workers' peace of mind—a majority of Federal employes already have been cleared under both the old loyalty standard and the old security standard. The latter was previously in effect in about a dozen of the "most sensitive," and largest, agencies. In most of these cases, security officers say, no new action is required.

But many other employes, in jobs newly classified as "sensitive" throughout Government, must undergo a "full field investigation" of their past. No figures are available on this group either, but some agencies have a workload of several hundred to several thousand jobs in this category.

Both the rescreening and the investigative processes are slow ones—much slower than the planners of the program anticipated when the new security system was announced on April 27. Another time handicap is that frequently the rescreening process produces doubts which require reinvestigations to resolve.

Some workers who passed the first two loyalty tests will not pass this one in which such additional factors will be weighed as "reliability," "trustworthiness," and "criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct."

The severity of measurement depends on the "sensitive" relation of the employe's job to the national security. No statistics are available on any phase of the program, but a survey by The Washington Post shows that sus-

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Many 'Closed' Loyalty Cases Are Reopened

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pension of employes has already been recommended in a number of cases where the workers were previously cleared on loyalty.

Officials handling the program know that the new test is a stiff one. They have tried to offset fears—which nevertheless persist—that it will be used to remove employes on grounds which have no relation to security.

The Defense Establishment's regulations state, as a matter of policy, that:

"These procedures will be used to supplement, not to substitute for, normal Civil Service removal procedures. Maximum use will be made of normal Civil Service removal procedures where national security is not a consideration and such procedures are adequate and appropriate."

Similar language appears in the Post Office Department regulations and a number of others. Agencies which do not mention this point in their regulations state that President Eisenhower's executive order already makes it clear that that is the intent.

Extension of Criteria

The Defense Establishment, which represents more than half of the 2½ million civilian Federal employes, reports that the new program will mean little change in its operations because its old security standard was generally similar to the new one, now applied to all departments and agencies.

Regulations issued by the Defense Establishment, however, show a considerable extension of the criteria set in the executive order, which was generally expected to result in uniform standards.

Seven broad standards were set in the executive order, ranging from consideration of unreliable behavior to membership in, and association with, members of Communist and Fascist "fronts," spies and saboteurs. Most agencies adopted this language in toto.

The Defense Establishment added to this 10 other points of expansion. Some security at the following sweeping language dealing with "sympathetic association" with members of Communist, Fascist or other totalitarian groups:

"Sympathetic association . . . ordinarily . . . will not include chance or occasional meetings, nor contacts limited to normal business or official relations." (The eyebrow-raiser is the word "ordinarily.")

". . . A close continuing association may be deemed to exist if the individual lives at the same premises as, frequently visits, or frequently communicates with such person" (who belongs to one of the suspect groups).

"Close continuing association (may exist) . . . even though later separated by distance, if the circumstances indicate that renewal of the association is probable."

"More Guidelines"

A high-ranking officer who helped draft these regulations said that in the Defense Department's view they merely represent a continuance of existing practice which has operated "fairly" for both the Government and employes. The supplemental language is not intended to be additionally restrictive, he said, but to provide "more guidelines" for reaching a proper evaluation.

He noted that the regulations were approved by the Department of Justice, and pointed out that they stress:

"The activities and associations listed . . . are of varying degrees of seriousness. Therefore, the ultimate determination of whether employment or retention in employment is clearly consistent with the interests of national security must be an over-all common-sense one based on all available information."

The Army, Navy and Air Force all operate under these standards, but each carries them out in its own regulations, which are now in the process of being published in final form.

AF Reservist Under Fire

The only Armed Forces case which has come to public attention since the new security program began was an "association" form of case. It concerned a reserve Air Force lieutenant, a student at the University of Michigan who is studying to be a Government meteorologist.

The loyalty of the young officer was not questioned, according to a news report last week, but his security status was challenged because his sister, whom he said he rarely sees, allegedly "associated with radical groups" and his father allegedly subscribed to Communist publications.

The outsome of that case is not yet known, but possibly significantly, an Air Force spokesman commented that the young officer could be ousted from the service "without stigma." The lieutenant countered that his entire future could be ruined by such action, which also "could blackball me for Federal employment."

In a somewhat similar case, the only "suspension" action taken so far by the Justice Department concerned a woman whose father refused to say if he was a Communist, but who swore she had no knowledge of his activities. The woman, who had twice been cleared on loyalty grounds, told a friend, "I couldn't go through this once more," and resigned.

Security officers say this kind of case is the most difficult, personally, for them to handle, but in most instances, even if there is no evidence against the employe himself, the Government must get the benefit of the doubt about the association.

No Others at Hearing Stage

In none of the 11 agencies surveyed, except for the Defense Establishment, has any case yet reached the hearing stage.

The State Department, however, has had 114 separations of employes on sex deviate charges between January 1 and September 14, which are classed as "resignations."

In morals cases, even more than in loyalty cases, the person accused, even if he is innocent, is less likely to demand a hearing because of fear that somehow it may be given publicity.

R. W. Scott McLeod, administrator of the department's Bureau of Security, Consular Affairs and Personnel, said last week in an interview that in each of the 114 cases "the employe resigned when he was confronted with the evidence. We haven't found anybody yet that wanted to go to bat on it."

Under the State Department's new regulations, McLeod said, "every position is clased as 'sensitive' unless I say it is 'nonsensitive'." Eventually, he said, every employe will receive a full field investigation.

Proceeding Slowly

McLeod began his service in the department in March with promises of a swift "cleanup," but last week he said, "I thought things would move a lot faster than they do."

"I don't know of any better evidence than this is not a witchhunt," he said, "than the calm and orderly way this Administration is proceeding on this thing."

At the time of the interview McLeod said he had on his desk the first group of cases—15—in which suspension recommendations against employes were awaiting his consideration.

McLeod said he regards the present program "more workable" because of the elimination of the "loyalty" base—"It's a state of mind and heart that you cannot prove"—and because of the greater power for suspending employes. Without that power, hes aid, "cases drag along in some twilight zone."

He estimated that the State Department has "somewhere between 400 and 600" loyalty cases which will be reevaluated.

Backlog at VA

In some agencies which were not covered by the previous security program, the caseload is much greater.

In the Veterans Administration, for example, which has about 179,000 employes, Security Director George H. Lynch said there is a backlog of 1200 to 1500 loyalty cases which will have to be reviewed. He estimated it would take "a year at the minimum to catch up with the backlog" while giving priority, as most agencies are doing, to new cases in which there has been no evaluation.

Lynch said he had on hand 20 to 30 cases in which suspension would be recommended; only one of these cleared through the old loyalty program; the others arose in the interim.

In the Postoffice Department, Agriculture, Justice, and Civil Defense, security officers estimated they can reevaluate their backlog of cases in a matter of months. Once that is completed, however, several more months time will be required to complete the hearing procedures where the employe is in the "permanent" or "indefinite" group of Federal workers authorized to request hearings.

From then on, of course, there must be a continuing procedure as new employes enter Government work and the chain of investigations, evaluations, suspensions and hearings continues.

The program, therefore, is still in an early embryo stage. The line it must draw between national security and justice for the individuals concerned is marked out on paper, but it cannot be applied automatically.

Whether this newest effort to remove the loyalty-security issue from the area of national controversy and place it on the quiet, effective, level where it belongs will succeed is still unknown; the answer still depends on the courage and fairness of the men who will carry it out.

4 Months After 'Target Date'

U. S. Employe Security Setup Still Just Getting Under Way

(First of Two Articles)

By Murrey Marder
Post Reporter

Five months after it was announced, and four months after it was to go into effect, the new Federal Employes Security Program is barely beginning to function on a Government-wide basis.

Although no official information on the program is available through any central source, a survey by The Washington Post of a cross-section of Government departments and agencies indicates:

1. Most of the large departments and agencies have started to screen employes under the new, tighter security standards which replace the old loyalty and security programs. Very few of these cases have reached even the hearing stage.

2. Probably a third of the more than 70 Government agencies have not even issued their regulations to begin the reevaluation process.

3. The original target date announced last April was grossly over-optimistic. It was hoped then that "by next fall" the program would be in full operation with all Federal workers screened under the new standards.

4. It was apparent at the start of the program that it was going to be easier to remove Federal workers under the new standards. The fairness with which the program will deal with the Federal worker is still an unknown factor.

5. The program already has resulted in the elimination from Government of some persons who were "cleared" of charges made against them under the old loyalty standards. The known cases in this category were employes who re-

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Officials Warned

The net result will be a stronger inclination to make an adverse finding. Security specialists in Government say they recognize this danger to just treatment, and are doing everything possible to reduce it through careful indoctrination of security officers, and emphasis upon President Eisenhower's pledges of fairness.

The greatest problem applies to agencies which previously had a loyalty program only, and not the combined loyalty and security program.

The present program was announced on April 27 and officially went into effect 30 days later. Prior to it, all departments and agencies operated under the loyalty program and in addition, the dozen "most sensitive" of these, including Defense, State, Justice, and the Atomic Energy Commission—also had a separate employe security program.

By creating one security program that would apply to all agencies—"sensitive" and "non-

Although there are now sufficient names on the roster to supply the required three-member hearing panels for the present pace of the program, the list will require considerable additions to meet the anticipated volume of hearings. Preparation of the list was delayed in part by the fact that some agencies had no nominees who had the "full field investigation" of their backgrounds — which is now required for all persons in "sensitive" jobs.

The President's executive order provided that the Civil Service Commission would make a continuing study of the program to determine deficiencies which weaken the national security, or tendencies to deny "fair, impartial, and equitable treatment" to employes. Semi-annually, CSC is to report on its evaluation to the National Security Council.

No general information has been released on what has happened since that point to a program which affects 2½ million Federal employes and thousands of others in the Armed Forces.

Regulations Vary

The survey conducted by The Washington Post shows that most agencies were unable to issue regulations by May, when the program officially began, and that there are some significant differences between the regulations.

The Justice Department, for example, which provided guidance for issuing the regulations, did not issue its own rules until August 30, although officials there said they began work on reviewing cases in late June.

The Defense Department issued a set of preliminary instructions on May 26. Federal

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Security Program Delayed

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signed rather than face reexamination of the old charges or charges subsequently developed.

6. Some officials privately believe there is a danger that "resignations," rather than hearing board decisions, could become the prevailing pattern in several agencies. There is no objection to resignations as such in security cases, but officials know the Nation will suffer if employes believe that even if they are innocent of charges, the odds are against them and the easiest way out is to resign.

Many of the officials engaged in starting the program now concede that despite the steam behind the Eisenhower Administration's "clean-up" pledges, they have a tremendous problem on their hands in the field of personnel security.

It is the same problem which confounded the Truman Administration for years It is now apparent it cannot be solved in any matter of months if a fair balance between national security and individual rights is to be reached.

At Least 6 Months Away

The spot check made by The Washington Post indicates it will take a minimum of six months to a year even to get the program on a current basis.

To a large extent, the security program has had a "honeymoon" period, insofar as congressional probing of it is concerned.

There have been some challenges of its operation, notably from the Senate Investigating Subcommittee of Sen. Joseph R. McCarthy (R-Wis.), but even these have been limited thus far.

If an open hunting season on the program ever breaks out, the officials who make the decisions to "clear" an employe will find they are in an even tougher spot than those who issued clearances under the old loyalty program.

This time there will be no Loyalty Review Board in an outside agency to backstop the department head. Moreover, under the old standard which required a finding that there was no "reasonable doubt" that an employe was disloyal, the official defending his clearance decision was in a far "safer" position than he is now when he must make the more positive certification that the employment is "clearly consistent with the interests of the National security."

sensitive" — the Government sought to attain a uniform system. Previously, even the old security program varied considerably from agency to agency.

The new program scrapped everything connected with the loyalty setup, and provided that each department would be its own judge of whether it had any employes who should be eliminated as security risks.

Attorney General Herbert Brownell, jr., was designated by the President to provide guidance to all agency and department heads on setting up procedures to review security cases. Sample regulations drafted by the Justice Department provided for suspension procedure within the discretion of the department concerned, and hearing rights for employes who have "permanent" or "indefinite" apopintments, if they are citizens. It gave no hearing rights for employes working on a probationary or trial basis.

Hearing panels were to be composed of persons from agencies other than the one where the employe at issue works (an exception has now been made for some isolated military posts), and the Civil Service Commission was to maintain a central hearing panel roster.

The survey showed that compilation of this hearing roster has been very slow. Some of the largest agencies submitted only three names; some agencies made a token listing of only one

Civil Defense Administration issued its regulations June 11; the State Department, Agriculture Department, and Veterans Administration published theirs in late July; the Postoffice Department was unable to issue its regulations until September 22; the Federal Deposit Insurance Corporation is one of the smaller agencies which reports it has yet to issue its regulations, which are now in the final stages of approval.

There has been one estimate that about 85 percent of all Federal employes are now covered by the new security rules. The Defense Establishment, Postoffice and Veterans Administration together have about 79 percent of all Federal employes, however, so it is apparent that many agencies are still not yet at the starting gate in the new program.

What is known about the operation of the program, and some of the major differences which developed in carrying it out, will be discussed in a subsequent article.

There is one conflict among the regulations, however, which may appear minor in terms of the program's operation, but which will hit some employes in a sensitive spot—their pocketbooks.

The original "sample" regulations drafted by the Justice Department provided that an employe could get a copy of the transcript of his security hearing case only if he paid for it.

The transcripts in some cases can cost several hundred dollars. The Justice Department and several other agencies have now changed this so that transcripts will be furnished free; some agencies have agreed to "lend" the employe a copy of the transcript. Other agencies have held to the original language—the employe can get a transcript only if he pays for it.

MONDAY: The reopening of thousands of previously "cleared" cases.